

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

UNKNOWN PARTY,

Plaintiff,

v.

GOOGLE LLC, YOUTUBE LLC,
JAMES JACKSON, also known online as
“ONISION,” and LUCAS JACKSON,
formerly known online as
“LAINEYBOT,” “LAINEY” and “KAI,”

Defendants.

CASE NO.: 1:23-cv-00223

HON. HALA Y. JARBOU

**DEFENDANTS, JAMES JACKSON AND LUCAS JACKSON’S, MOTION TO EXTEND
DATES IN SCHEDULING ORDER**

NOW COMES Defendants, James Jackson and Lucas Jackson, and do hereby motion this court for the above requested relief and in support so state:

1. On March 2, 2023, Plaintiff filed this action against Defendant James Jackson and Defendant Lucas Jackson (hereafter collectively, “the Jackson Defendants”), as well as Defendants Google LLC and YouTube LLC.
2. On March 31, 2023, the Jackson Defendants filed a Motion to Dismiss Pursuant to Fed. R. Civ. P 12(b)(2),(3),(5), or in the Alternate to Dismiss or Transfer Pursuant to 28 USC 1404(a) and a Brief in Support. (See ECF 15; ECF 15-1).
3. On May 19, 2023, Defendant YouTube and Defendant Google filed a Motion to Dismiss for Failure to State a Claim and Brief in Support. (ECF No. 33).
4. Also on May 19, 2023, Defendant YouTube and Defendant Google filed a Motion to Transfer Case to the Northern District of California and Brief in Support. (ECF 37),

5. On May 22, 2023, Defendant YouTube and Defendant Google filed a corrected Motion to Dismiss for Failure to State a Claim and Brief in Support (ECF 40; ECF 41) and a corrected Motion to Transfer Case to Northern District of California and Brief in Support. (ECF 42; ECF 43).
6. On June 29, 2023 the parties submitted a Joint Status Report. (ECF 58).
7. On July 3, 2023, the Court issued a Case Management Order. (ECF 59).
8. The parties stipulated and this Court granted a stipulation to extend the dates of the scheduling order specifically to deal with initial disclosures. (ECF 64).
9. Defendants Google and YouTube filed supplemental authority briefs as of September 18, 2023. (ECF 69).
10. Plaintiff filed a supplementary authority brief on September 19, 2023.
11. The Jackson Defendants seek this Court's permission to extend the dates set on the Court's Case Management Order to accommodate the Court's ruling on the motions to dismiss or transfer the case which are pending before the Court.
11. The parties' initial disclosures are to be exchanged by September 30, 2023. (ECF 59; ECF 66).
12. To conserve judicial resources as well as the resources of the parties, the Jackson Defendants seek an order of the Court extending the dates in the Case Management Order as well as the Stipulated Order Extending Dates of Scheduling Order in order to accommodate the Court's ruling on the pending motions to dismiss or transfer the case.
13. Defendants seek extensions of all of the below dates out up to six months from the original dates, as this Case has been pending on the motions to dismiss since March 2023, specifically:

- a. That Rule 26(a)(1) Disclosures including any lay witnesses shall now be due on January 21, 2024;
- b. That Motions to Join Parties or Amend Pleadings are now due on March 1, 2024;
- c. That Trial will occur in February of 2025 at a time and date set by the Court.
- d. That Expert Witnesses, name, address, area of expertise, and short summary of expected testimony of Expert Witnesses (Rule 26(a)(2)(A)) be extended to May 1, 2024 for Plaintiff and May 15, 2024 for Defendants;
- e. That Disclosure of Expert Reports (Rule 26(a)(2)(B)) shall be due on June 30, 2024 for Plaintiff; July 30, 2024 for Defendants; and Rebuttal reports to be due August 15, 2024;
- f. Discovery shall be completed by June 15, 2024;
- g. Dispositive Motions must be filed by July 15, 2024;
- h. A Final Settlement Conference will occur in December of 2024 before Magistrate Judge Sally J. Berens.
- i. A Final Pretrial Conference shall take place with Chief Judge Hala Y. Jarbou in the month of January 2025.
- j. ADR shall take place on or before June 15, 2024.

WHEREFORE, the Jackson Defendants request these extensions to accommodate the time for the Court's ruling on all of the defendants' motions to dismiss or transfer this case. In the event that the Court does not grant this specific relief, the Jackson Defendants ask that the Court extend the dates in the Court's Case Management Order accordingly to accommodate the Court's ruling on the pending motions filed by the defendants.

Respectfully submitted,

Dated: September 22, 2023

Michelle M. McLean
Michelle M. McLean (P71393)
Attorneys for Defendants James Jackson and Lucas Jackson

CERTIFICATION OF CONFERRING WITH OPPOSING COUNSEL

On September 21, 2023 , the undersigned counsel emailed the other attorneys of record seeking a concurrence in this relief. All other attorneys have indicated that they do not oppose the relief requested.

Respectfully submitted,

Dated: September 22, 2023

Michelle M. McLean
Michelle M. McLean (P71393)
Attorneys for Defendants James Jackson and Lucas Jackson